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Attorney's Docket No.: 13466-002013

3605

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas G. Woolston Art Unit : 3625
Serial No. : 09/779,551 Examiner : F. Thompson, Jr.
Filed : February 9, 2001
Title : FACILITATING ELECTRONIC COMMERCE THROUGH TWO-TIERED
ELECTRONIC TRANSACTIONAL SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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GROUP 3600TM

INFORMATION DISCLOSURE STATEMENT AND
NOTICE OF LITIGATION UNDER MPEP 2001.06(C)

Applicants call attention to the attached Information Disclosure Statement and documents listed on the attached form PTO-1449.

The examiner's attention is also drawn to documents A641-A667 which were filed in litigation between the assignee of the above-referenced application and eBay, Inc., in the case MercExchange L.L.C. v. eBay, Inc. et. al., Civil Action No. 2:01-CV-736, in the U.S. District Court for the Eastern District of Virginia, involving the assignee of the above-referenced application, and at least one patent that is a family member to the above-referenced application. Applicants make no representations herein regarding the materiality of the documents submitted herewith. Applicants are merely making these documents available to the Patent Office as a result of the contentions of the parties in the above-referenced litigation.

For the examiner's convenience, copies of the references listed on the attached form PTO-1449 are being provided on two compact discs filed herewith. Paper copies will be provided if requested by the examiner.

05/05/2004 MBLANCO 00000011 09779551

01 FC:1806

180.00 IP

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 28, 2004

Date of Deposit

April 28, 2004

Jennifer H. Payne

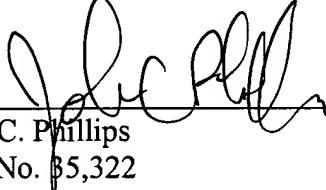
Applicant : Thomas G. Woolston
Serial No. : 09/779,551
Filed : February 9, 2001
Page : 2 of 2

Attorney's Docket No.: 13466-002013

Consideration of the foregoing and enclosures plus the return of a copy of the enclosed form PTO-1449 with the Examiner's initials in the left column per MPEP 609 are earnestly solicited along with an early action on the merits.

This statement is being filed after a first Office action on the merits, but before receipt of a final Office action or a Notice of Allowance. A check for \$180 in payment of the late submission fee of §1.17(p) is enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

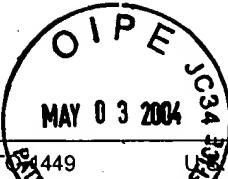


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Date: April 28, 2004

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10390226.doc



Substitute Form PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 13466-002013	Application No. 09/779,551
Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Thomas G. Woolston		
		Filing Date February 9, 2001	Group Art Unit 3625	

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	3,573,747	04/06/1971	Adams et al			
	AB	3,581,072	5/25/1971	Nymeyer			
	AC	4,247,759	1/27/1981	Yuris , et al.			
	AD	4,270,042	5/26/1981	Case			
	AE	4,305,059	12/08/1981	Benton			
	AF	4,346,442	8/24/1982	Musmanno			
	AG	4,449,186	5/15/1984	Kelly, et al.			
	AH	4,553,222	11/12/1985	Kurland, et al.			
	AI	4,674,044	6/16/1987	Kalmus et al.			
	AJ	4,677,552	6/30/1987	Sibley, Jr.			
	AK	4,734,858	03/29/1988	Schlafly			
	AL	4,739,478	4/19/1988	Roberts et al.			
	AM	4,742,457	5/3/1988	Leon et al.			
	AN	4,751,640	6/14/1988	Lucas et al.			
	AO	4,755,940	07/05/1988	Brachtle et al			
	AP	4,775,935	10/04/1988	Yourick			
	AQ	4,789,928	12/6/1988	Fujisaki			
	AR	4,795,890	01/03/1989	Goldman			
	AS	4,799,156	1/17/1989	Shavit et al.			
	AT	4,812,628	03/14/1989	Boston et al			
	AU	4,823,265	4/18/1989	Nelson			
	AV	4,864,516	09/05/1989	Gaither et al			
	AW	4,876,648	10/24/1989	Lloyd			
	AX	4,885,685	12/5/1989	Wolfberg et al.			
	AY	4,887,208	12/12/1989	Schneider et al			
	AZ	4,903,201	2/20/1990	Wagner			
	AAA	4,910,676	3/20/1990	Alldredge			

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



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U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	ABB	4,922,521	05/01/1990	Krikke et al			
	ACC	4,935,870	06/19/1990	Burk et al			
	ADD	4,947,028	08/07/1990	Gorog			
	AEE	4,977,595	12/11/1990	Ohta et al			MAY 06 2004
	AFF	4,982,346	01/01/1991	Girouard et al			
	AGG	4,992,940	2/12/1991	Dworkin			
	AHH	5,021,953	6/4/1991	Webber et al.			
	AII	5,060,153	10/22/1991	Nakagawa			
	AJJ	5,063,507	11/5/1991	Lindsey et al.			
	AKK	5,077,607	12/31/1991	Johnson et al			
	ALL	5,077,665	12/31/1991	Silverman et al.			
	AMM	5,101,353	3/31/1992	Lupien et al.			
	ANN	5,136,501	8/4/1992	Silverman et al.			
	AOO	5,168,446	12/1/1992	Wiseman			
	APP	5,191,613	3/2/1993	Graziano et al.			
	AQQ	5,193,056	3/9/1993	Boes			
	ARR	5,206,803	4/27/1993	Vitagliano et al.			
	ASS	5,220,501	06/15/1993	Lawlor et al			
	ATT	5,235,680	8/10/1993	Bijnagte			
	AUU	5,237,500	8/17/1993	Perg et al.			
	AVV	5,239,462	8/24/1993	Jones et al.			
	AWW	5,243,515	9/7/1993	Lee			
	AXX	5,247,575	09/23/1993	Sprague et al			
	AYY	5,258,908	11/2/1993	Hartheimer et al.			
	AZZ	5,262,942	11/16/1993	Earle			
	AAAA	5,280,305	01/18/1994	Monroe et al			
	ABBB	5,280,422	01/18/1994	Moe et al			

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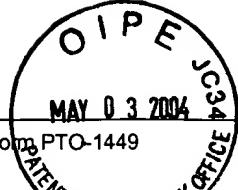
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U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	ACCC	5,283,731	2/1/1994	Lalonde et al.			
	ADDD	5,285,383	2/8/1994	Lindsey et al.			
	AEEE	5,297,031	03/22/1994	Guttermann et al			
	AFFF	5,297,032	03/22/1994	Trojan et al			
	AGGG	5,305,195	04/19/1994	Murphy			
	AHHH	5,305,200	4/19/1994	Hartheimer et al.			
	AIII	5,319,542	06/07/1994	King			
	AJJJ	5,323,315	6/21/1994	Highbloom			
	AKKK	5,325,297	6/28/1994	Bird et al.			
	ALLL	5,329,589	7/12/1994	Fraser et al.			
	AMMM	5,334,822	08/02/1994	Sanford			
	ANNN	5,335,170	08/02/1994	Petteruti et al			
	AOOO	5,336,870	08/09/1994	Hughes et al			
	APPP	5,341,429	08/23/1994	Stringer et al			
	AQQQ	5,345,091	09/06/1994	Craig et al			
	ARRR	5,347,306	9/13/1994	Nitta			
	ASSS	5,347,632	9/13/1994	Filepp et al.			
	ATTT	5,351,186	09/27/1994	Bullock et al			
	AUUU	5,351,293	09/27/1994	Michener et al			
	AVVV	5,375,055	12/20/1994	Togher, et al.			
	AWWW	5,383,113	01/17/1995	Kight et al			
	AXXX	5,394,324	2/28/1995	Clearwater			
	AYYY	5,402,336	08/02/1994	Spiegelhoff et al			
	AZZZ	5,414,833	05/09/1995	Hershey et al			
	AAAAA	5,424,944	6/13/1995	Kelly et al.			
	ABBBB	5,426,281	6/20/1995	Abecassis			
	ACCCC	5,428,778	06/27/1995	Brookes			

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U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	ADDDD	5,448,625	9/5/1995	Lederman			
	AEEEE	5,451,998	9/19/1995	Hamrick			
	AFFFF	5,453,926	09/26/1995	Stroshcin et al			
	AGGGG	5,465,291	11/7/1995	Barrus et al.			
	AHHHH	5,485,510	01/16/1996	Colbert			
	AIIII	5,521,815	05/28/1996	Rose			
	AJJJJ	5,526,479	6/11/1996	Barstow et al.			
	AKKKK	5,553,145	09/03/1995	Micali			
	ALLLL	5,557,518	9/17/1996	Rosen			
	AMMMM	5,557,728	09/17/1996	Garrett et al			
	ANNNN	5,561,707	10/1/1996	Katz			
	AOOOO	5,584,025	12/10/1996	Keithley et al.			
	APPPP	5,592,375	1/7/1997	Salmon et al.			
	AQQQQ	5,594,732	1/14/1997	Bell et al.			
	ARRRR	5,598,557	01/28/1997	Doner et al			
	ASSSS	5,611,051	03/11/1997	Pirelli			
	ATTTT	5,625,818	04/29/1997	Zarmer et al			
	AUUUU	5,625,823	4/29/1997	Debenedictis et al.			
	AVVVV	5,629,982	05/13/1997	Micali			
	AWWWW	5,630,125	05/13/1997	Zellweger			
	AXXXX	5,657,389	08/12/1997	Houvener			
	AYYYY	5,664,110	09/02/1997	Green et al			
	AZZZZ	5,664,111	9/2/1997	Nahan et al.			
	AAAAAA	5,664,115	9/2/1997	Fraser			
	BBBBB	5,666,493	09/09/1997	Wojcik et al			
	ACCCC	5,689,652	11/18/1997	Lupien et al			
	ADDDDD	5,694,546	12/02/1997	Reisman			

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U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AEEEEEE	5,694,551	12/02/1997	Doyle et al			
	AFFFFFF	5,696,965	12/09/1997	Dedrick			
	AGGGGGC	5,706,457	01/06/1998	Dwyer et al			
	AHHHHHF	5,710,889	01/20/1998	Clark et al			
	AIIIII	5,715,314	2/3/1998	Payne et al.			
	AJJJJJ	5,717,989	02/10/1998	Tozzoli et al			
	AKKKKK	5,724,521	3/3/1998	Dedrick			
	ALLLLL	5,727,165	03/10/1998	Ordish et al			
	AMMMMMI	5,745,882	4/28/1998	Bixler et al.			
	ANNNNN	5,752,238	5/12/1998	Dedrick			
	AOOOOC	5,771,291	01/23/1998	Newton et al			
	APPPPP	5,771,354	6/23/1998	Crawford			
	AQQQQC	5,771,380	06/23/1998	Tanaka et al			
	ARRRRR	5,774,873	06/30/1998	Berent et al			
	ASSSSSS	5,778,367	07/07/1998	Wesinger et al			
	ATTTTT	5,794,207	8/11/1998	Walker et al.			
	AUUUUU	5,794,210	8/11/1998	Goldhaber et al.			
	AVVVVV	5,794,219	08/11/1998	Brown			
	WWWWW	5,799,285	08/25/1999	Klingman			
	AXXXXX	5,803,500	09/08/1998	Mossberg			
	AYYYYY	5,809,144	09/15/1998	Sirbu et al			
	AZZZZZ	5,818,914	10/6/1998	Fujisaki			
	AAAAAA	5,826,244	10/20/1998	Huberman			
	BBBBBB	5,832,459	11/03/1998	Cameron et al			
	CCCCCC	5,835,896	11/10/1998	Fisher et al			
	DDDDDD	5,838,906	11/17/1998	Doyle et al.			
	AEEEEEE	5,842,040	11/24/1998	Hughes et al.			

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U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AFFFFFF	5,845,265	12/1/1998	Woolston			
	AGGGGG	5,845,266	12/01/1998	Lupien et al			
	AHHHHH	5,850,442	12/15/1998	Muftic			
	AIIIII	5,864,823	1/26/1999	Levitin			
	AJJJJJ	5,870,552	2/9/1999	Dozier et al.			
	AKKKKK	5,870,717	2/9/1999	Wiecha			
	ALLLLL	5,872,848	02/16/1999	Romney et al			
	MMMMMM	5,873,069	02/16/1999	Reuhl et al			
	ANNNNN	5,878,400	3/2/1999	Carter, III			
	AOOOOO	5,878,423	3/2/1999	Anderson et al.			
	APPPPPP	5,884,056	03/16/1999	Steele			
	AQQQQQ	5,890,138	3/30/1999	Godin et al.			
	ARRRRR	5,896,379	4/20/1999	Haber			
	ASSSSSS	5,903,647	5/11/2019	Ronning			
	ATTTTT	5,905,974	05/18/1999	Fraser et al			
	AUUUUU	5,905,975	05/18/1999	Ausubel			
	AVVVVV	5,915,209	6/22/1999	Lawrence			
	WWWWWW	5,922,074	07/13/1999	Richard et al			
	AXXXXX	5,926,794	07/20/1999	Fethe			
	YYYYYY	5,933,813	8/3/1999	Teicher et al.			
	AZZZZZ	5,946,467	8/31/1999	Pathakis et al.			
	AAAAAA	5,987,425	11/16/1999	Hartman et al.			
	BBBBBB	5,991,739	11/23/1999	Cupps et al			
	CCCCCC	5,999,915	12/07/1999	Nahan et al			
	DDDDDE	6,006,201	12/21/1999	Berent et al			
	AEEEEEE	6,029,141	2/22/2000	Bezos et al.			
	AFFFFFF	6,049,785	04/11/2000	Gifford			

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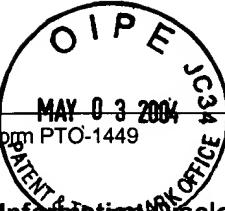
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U.S. Patent Documents							
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	GGGGGC	6,055,516	04/25/2000	Johnson et al			
	HHHHHH	6,055,573	4/25/2000	Gardenswartz et al.			
	AIIIIII	6,061,660	5/9/2000	Eggleston et al.			
	AJJJJJJ	6,185,683	2/6/2001	Ginter et al.			
	KKKKKK	6,202,051	03/13/2001	Woolston			
	ALLLLL	6,205,432	3/20/2001	Gabbard et al.			
	IMMMMI	6,259,699	7/10/2001	Opalka et al.			
	NNNNNN	6,266,651	7/24/2001	Woolston			
	OOOOOO	6,272,474	8/7/2001	Garcia			
	APPPPPP	6,282,516	8/28/2001	Giuliani			
	QQQQQQ	6,292,786	9/18/2001	Deaton et al.			
	RRRRRRR	6,336,105	1/1/2002	Conklin et al.			
	ASSSSSS	6,336,138	1/1/2002	Caswell et al.			
	ATTTTTT	6,377,937	4/23/2002	Paskowitz			
	UUUUUU	6,397,212	5/28/2002	Biffar			
	VVVVVV	6,415,270	7/2/2002	Rackson et al.			
	WWWWW	6,427,132	7/30/2002	Bowman-Amuah			

Foreign Patent Documents or Published Foreign Patent Applications							
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation
							Yes No
	XXXXXX	0542298 A2	05/19/1993	Europe			
	YYYYYY	2 658 635	8/23/1991	France			
	AZZZZZZ	2,102,606	02/02/1983	Great Britain			
	AAAAAA	9300266	9/1/1994	Netherlands			
	BBBBBB	WO 91/16691	10/31/1991	WIPO			
	CCCCCC	WO 92/15174	9/3/1992	WIPO			
	DDDDDD	WO 95/16971	06/22/1995	WIPO			

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Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation
							Yes
EEEEEEEEE	WO 96/34356	10/31/1996	WIPO				
FFFFFFFFF	WO 97/19415	5/29/1997	WIPO (3 parts)				
GGGGGGG	WO 97/37315	10/9/1997	WIPO				
HHHHHHH	WO 98/19259	5/7/1998	WIPO (2 parts)				
AIIIIIIII	WO 98/35469	8/13/1998	WIPO (2 parts)				
AJJJJJJJJ	WO 99/63461	12/09/1999	WIPO				
KKKKKKK	WO 99/06913	2/11/1999	WIPO				
LLLLLLL	WO 99/13417	3/18/1999	WIPO				
MMMMMM	WO 00/08578	2/17/2000	WIPO				
NNNNNNN	WO 00/17797	3/30/2000	WIPO				
OOOOOOO	WO 00/62231	10/19/2000	WIPO				

Other Documents (include Author, Title, Date, and Place of Publication)

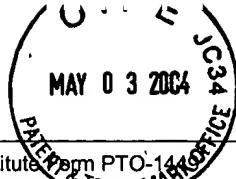
Examiner Initial	Desig. ID	Document
APPPPPPPP	"[ADS FOR ANTIQUE SHOWS]," <u>The Inside Collector</u> , October 1992, Vol.3, No.2	
QQQQQQQQQ	"Acid Rain Auctions Is Successful," <u>American Metal Market</u> , Volume 103 No. 69, April 11, 1995	
RRRRRRRRR	"Active Message Processing Messages as Messengers," (Illegible) Centre for Mathematics and Computer Science, Report CSR9035 August	
ASSSSSSSS	"Ameritech Library Services Unveils Webpac at ALA," <u>PR Newswire</u> , June 27, 1995	
TTTTTTTTT	"An Analysis and Recommendation for the Terms of the Reclaim Trading Credit," Report submitted to South Coast Air Quality Management District, Contract No. R-C93074, April 27, 1993	
JUUUUUUUU	"Anonymous Delivery of Goods in Electric Commerce," <u>IBM Technical Disclosure Bulletin</u> , March 1996, Volume 39, No. 3, p. 363-364.	
VVVVVVVVV	"Anonymous Delivery of Goods in Electronic Commerce (Continued)," <u>IBM Technical Disclosure Bulletin</u> , March 1996, Volume 39, No. 3, p.365-366	
WWWWWWW	"AT&T PersonaLink Services to Use Intelligent Network Assistants," <u>AT&T</u> , January 6, 1994	
XXXXXXXXX	"Bank Card Originated Messages – Interchange Message Specifications – Content for Financial Transaction," <u>International Standard</u> , 1987	
YYYYYYYYY	"Big Players Team Up To Provide Affordable Web Security Standards," <u>Electronic Marketplace Report</u> , April 18, 1995, Vol.9, No.5, Simba Information, Inc.	
ZZZZZZZZZ	"BookIt!," <u>Web Ventures</u> 1996, http://www.webventures.com	

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Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Thomas G. Woolston	
		Filing Date February 9, 2001	Group Art Unit 3625

Other Documents (include Author, Title, Date, and Place of Publication)

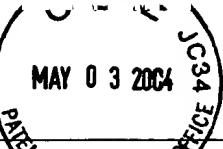
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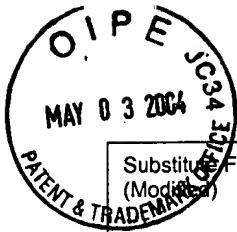
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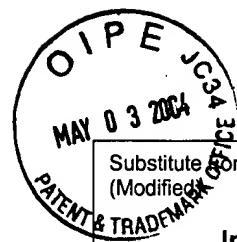
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Substitute Form PTO-1449

U.S. Department of Commerce
Patent and Trademark Office

Attorney's Docket No.
13466-002013

Application No.
09/779,551

Information Disclosure Statement
by Applicant

(Use several sheets if necessary)

(37 CFR §1.98(b))

Applicant
Thomas G. Woolston

Filing Date
February 9, 2001

Group Art Unit
3625

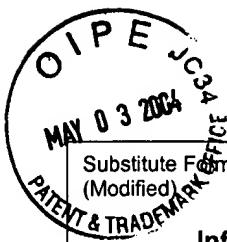
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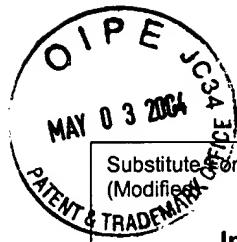
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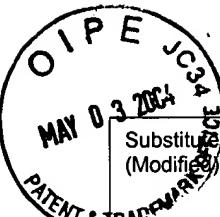


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		Applicant Thomas G. Woolston		
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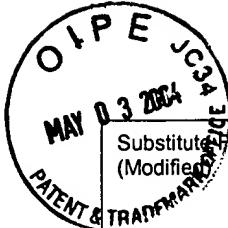
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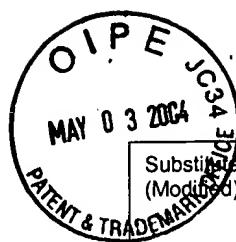
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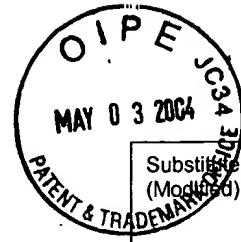
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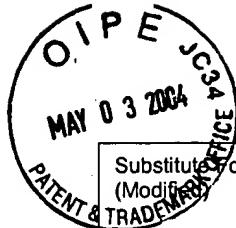
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	IIIIIIIIIIIIII	DICKINSON, Q.T., "Expert Report of Q. Todd Dickinson," filed by MercExchange on June 10, 2002
	JJJJJJJJJJJJJ	FRIEDER, O., "Rebuttal Expert Report of Ophir Frieder Regarding Defendants' Allegations of Invalidity of U.S. Patent No. 6,085,176," filed by MercExchange on June 28, 2002

Examiner Signature	Date Considered
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EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 13466-002013	Application No. 09/779,551
Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Thomas G. Woolston	
		Filing Date February 9, 2001	Group Art Unit 3625

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	KKKKKKKK	KELLER, A.M., "Expert Report of Arthur M. Keller," filed by eBay on June 9, 2002
	LLLLLLLL	KELLER, A.M., "Supplemental Expert Report of Dr. Arthur M. Keller," (Portions of this document have been redacted), filed by eBay on August 30, 2002
	MMMMMM	MALY, K. "Expert Report of Kurt Maly," filed by eBay and Half.com on June 10, 2002
	NNNNNNNN	MOSSINGHOFF, G.J., "Expert Report of Hon. Gerald J. Mossinghoff," filed by eBay, Half.com and ReturnBuy on September 20, 2002
	OOOOOOOO	PALMER, J. W., "Rebuttal Expert Report of Jonathan W. Palmer Regarding Allegations of Invalidity," filed by MercExchange on June 28, 2002
	PPPPPPPPPP	SHAMOS, M.I., "Expert Report of Michael Ian Shamos Regarding Materiality of Prior Art References Not Disclosed by Patentee," filed by eBay on September 23, 2002
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